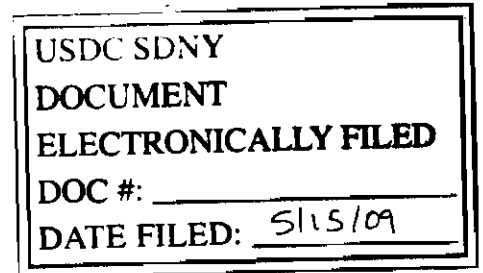


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
BRUCE LOWERY, :
:
Plaintiff, :
:
-v- :
:
POLICE OFFICER PETRUSINO, POLICE :
OFFICER TASSONE, POLICE OFFICER JOHN :
DOE, CITY OF WHITE PLAINS, :
:
Defendants. :
:
-----X

07 Civ. 6325 (DLC)

ORDER



DENISE COTE, District Judge:

On April 3, 2009, plaintiff moved for this Court to "reserve or reverse" its Order of March 12, 2009 (the "March 12 Order"). The March 12 Order related to plaintiff's request for certain surveillance tapes relating to an incident that occurred on April 13, 2007, and it stated that the Court had contacted the United States Marshal in connection with plaintiff's request, who contacted the United States Courthouse in White Plains and the Westchester County Sheriff's Office and learned that no such tapes exist. Accordingly, the March 12 Order stated that the subpoenas shall not issue. In plaintiff's April 3, 2009 motion, he notes that at the initial conference before the Court, he requested surveillance tapes from a third entity in connection with the April 2007 incident as well--the City of White Plains Police Department located at 77 N. Lexington

Avenue--and reiterates his request for tapes from the three entities.

As for the City of White Plains Police Department, this Court contacted the United States Marshal in connection with this request, who contacted the City of White Plains Police Department and learned that no such tapes exist. Accordingly, it is hereby

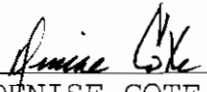
ORDERED that the subpoenas shall not issue, and plaintiff's April 3, 2009 motion is denied.

IT IS FURTHER ORDERED that as to the tapes from the other two agencies that were addressed in the March 12 Order, plaintiff's April 3, 2009 motion is denied for the reasons set forth in the March 12 Order.

IT IS FURTHER ORDERED that plaintiff's request in his April 3, 2009 motion for surveillance tapes relating to a separate incident in September 2007 is denied, as this lawsuit is about the events of April 13, 2007.

SO ORDERED:

Dated: New York, New York
May 15, 2009



DENISE COTE
United States District Judge

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